

SEVENTY-FIRST DAY

(CONTINUED)

MONDAY, MAY 12, 1997

PROCEEDINGS

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Harris.

SENATOR ANNOUNCED PRESENT

Senator Patterson, who had previously been recorded as "Absent-excused," was announced "Present."

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 12, 1997

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 308, Relating to the authority to issue protective orders.

HB 405, Relating to restricting certain recreational amenities available to inmates imprisoned in the institutional division of the Texas Department of Criminal Justice.

HB 422, Relating to the regulation by the Texas Transportation Commission of fences along a road or highway in the state highway system in certain municipalities; providing a criminal penalty.

HB 625, Relating to the disclosure of certain information submitted to a governmental entity by a potential vendor or contractor.

HB 640, Relating to exempting peace officers disabled in the line of duty from tuition and fees charged by a public institution of higher education.

HB 754, Relating to the making and reporting of certain political contributions and expenditures.

HB 827, Relating to hunting and fishing licenses for certain disabled veterans.

HB 837, Relating to the disposition of stolen property pending the trial of an offense involving the theft of the property.

HB 844, Relating to the creation of the office of district attorney for Judicial District 1-A and to the abolition of the jurisdiction of the district attorney for the 1st Judicial District in Newton County.

HB 877, Relating to notifying a victim of a criminal offense of the escape or release of the defendant convicted of the offense committed against the victim.

HB 881, Relating to the priority of payment of claims against a decedent's estate.

HB 972, Relating to systems for providing access to driver's license record information held by the Department of Public Safety.

HB 1192, Relating to the duties of law enforcement agencies to enforce protective orders.

HB 1317, Relating to the guardianship of missing persons and receiverships for the estate of certain missing persons.

HB 1333, Relating to the punishment for an offense motivated by bias or prejudice.

HB 1425, Relating to appeal of certain court orders and judgments relating to arbitration.

HB 1510, Relating to jurisdiction of certain counties for purposes of subdivision platting requirements.

HB 1572, Relating to disposal of certain property by a charitable organization.

HB 1606, Relating to truant conduct or conduct resulting in a failure to attend school.

HB 1672, Relating to the requirements of a price list and a memorandum for funeral merchandise and services.

HB 1684, Relating to circumstances in which less than the whole number of a jury may render a verdict in a criminal case.

HB 1882, Relating to the financing of certain eligible projects for criminal justice purposes.

HB 1912, Relating to the reporting of certain information to the national crime information center.

HB 1918, Relating to the elimination of unnecessary county election precincts.

HB 2065, Relating to the statistical recording of juvenile cases initially referred to the office of the prosecuting attorney.

HB 2084, Relating to the establishment of a pilot project in which vouchers are used for payment of certain health care services.

HB 2086, Relating to the operation of charitable bingo games.

HB 2125, Relating to creation of a pilot program to establish individual development accounts for certain recipients of financial assistance.

HB 2221, Relating to limitations on the amount of life insurance risk that may be written by certain agents of or assumed by a stipulated premium insurance company.

HB 2272, Relating to certain court costs a person convicted of certain offenses is required to pay.

HB 2345, Relating to the authority of a general-law municipality to annex additional areas.

HB 2421, Relating to limiting the liability of the State Commission on Judicial Conduct.

HB 2431, Relating to the duties of a court clerk with respect to certain criminal matters.

HB 2462, Relating to authorizing a single county to create a rural rail transportation district.

HB 2472, Relating to the reporting of certain injuries to the Texas Department of Health.

HB 2488, Relating to the interview of a child in chambers in a suit affecting the parent-child relationship.

HB 2493, Relating to accessibility by persons with mobility impairments to buildings leased by or built for the state.

HB 2502, Relating to the venue for prosecution of the offense of failing or refusing to pay the toll imposed for the operation of a motor vehicle on a toll project of certain counties.

HB 2615, Relating to certain findings concerning an allegation of child abuse or neglect in a suit affecting the parent-child relationship.

HB 2618, Relating to disciplinary proceedings and investigation of a complaint against a social worker.

HB 2693, Relating to the development of information to identify missing persons.

HB 2697, Relating to the salary from the state of a district judge who serves as a local administrative district judge.

HB 2868, Relating to a master drainage plan for certain counties.

HB 2874, Relating to the collection and disposal of information pertaining to a criminal combination.

HB 2880, Relating to certain activities allowed during the suspension of a license issued under the Private Investigators and Private Security Agencies Act.

HB 2899, Relating to the development of information to identify missing children or persons.

HB 2944, Relating to designating the Texas State Technical College System extension center in the city of Marshall as a campus of the system.

HB 2958, Relating to the release of certain information contained in a criminal defendant's presentence or postsentence report.

HB 2971, Relating to the meaning of a relationship involving marriage for purposes of laws governing the conduct of an election.

HB 3101, Relating to reimbursement of the Texas Department of Human Services from an inmate's trust fund.

HB 3240, Relating to the disannexation of an area by a general-law municipality.

HB 3350, Relating to the criminal offenses applicable to gambling and gambling devices.

HB 3377, Relating to prima facie evidence of the offense of theft by check.

HB 3563, Relating to procedures to issue rental car companies limited licenses as insurance agents.

HB 3567, Relating to the addition of territory to, the board of directors of, and disannexation procedures for the Duval County Conservation and Reclamation District.

HB 3586, Relating to the election of the board of supervisors of the Clear Creek Drainage District of Galveston County.

HB 3587, Relating to the acquisition or lease of hospital facilities by certain county-municipality hospital boards.

HB 3589, Relating to authorizing Lakeway Municipal Utility District to exclude land from its boundaries, providing notice of the exclusion, and adding other related provisions.

HB 3591, Relating to the authority of the Smith County Juvenile Board to accept gifts and grants.

HB 3592, Relating to the terms of the directors of the Seis Lagos Utility District.

HB 3602, Relating to the creation, administration, powers, duties, operation, and financing of the Wintergarden Groundwater Conservation District.

HB 3607, Relating to validating certain acts of the Garza County Underground and Fresh Water Conservation District.

HCR 176, Encouraging the Department of Public Safety of the State of Texas to publicize the Texas Commission on the Arts license plate program.

SB 26, Relating to the Town Center Improvement District of Montgomery County, Texas; authorizing a tax and granting the authority to issue bonds.

SB 174, Relating to a fee collected by a prosecutor for collecting and processing a dishonored or forged check or similar sight order.

SB 500, Relating to certain voter registration processes and procedures.
(Committee Substitute)

SB 644, Relating to the regulation of certain air ambulance companies.
(Amended)

SB 863, Relating to precommitment approval for certain purchases of a port authority.

SB 881, Relating to the denial of the renewal of the driver's license of persons who violate their promise to appear on certain offenses or who fail to pay the fine for certain offenses.
(Amended)

SB 973, Relating to the State Cemetery and the creation of the State Cemetery Committee.
(Committee Substitute)

SB 1033, Relating to the ad valorem taxation of property and to the appraisal of property for ad valorem tax purposes.
(Committee Substitute)

SB 1158, Relating to regional education service centers.

SB 1394, Relating to the authority of a municipality to require a building permit for construction and renovation work on county-owned buildings and facilities by certain counties.

SB 1696, Relating to the enforcement of land use restrictions in certain counties.

SB 1739, Relating to the listing on an ad valorem tax appraisal roll of possessory interests in certain property used in the operation or development of a port or waterway or in aid of navigation-related commerce.
(Committee Substitute)

SB 1750, Relating to the creation, administration, powers, and duties of the Upper Kirby Management District; granting the authority to issue bonds; authorizing a tax.

SB 1829, Relating to the dissolution of the San Elizario Grant Municipal Utility District and the transfer of its territory, assets, and liabilities to the Lower Valley Water District.

SB 1830, Relating to the inclusion of the territory of the Town of Clint in the Lower Valley Water District.

SB 1851, Relating to the violation of a rule of a national collegiate athletic association.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris Saturday, May 10, 1997.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

HB 120 (Moncrief) Relating to a physician's treatment of acute or chronic pain. (31-0) (31-0)

HB 259 (Duncan) Relating to municipal courts of record in Odessa. (31-0) (31-0)

HB 394 (Patterson) Relating to required equipment for racing shells, rowing sculls, and racing kayaks. (31-0) (31-0)

HB 404 (Duncan) Relating to the abolition of the office of inspector of hides and animals of Ector County. (31-0) (31-0)

HB 412 (Shapiro) Relating to the statutory county courts in Dallas County. (31-0) (31-0)

HB 432 (Whitmire) Relating to the ineligibility of certain inmates for release on mandatory supervision. (31-0) (31-0)

HB 606 (Moncrief) Relating to access to nursing facilities in rural counties. (31-0) (31-0)

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 606** on page 2, line 12 by amending subsection (d) to read as follows:

(d) The department may not contract under this section for more than 120 additional nursing home beds per county per year and may not exceed more than 500 additional nursing home beds statewide in a calendar year.

The committee amendment was read and was adopted by a viva voce vote.

HB 806 (Wentworth) Relating to the prosecution of the offense of obstruction or retaliation. (31-0) (31-0)

HB 885 (Zaffirini) Relating to required planning for the permanent placement of certain children not residing with their families. (31-0) (31-0)

HB 911 (Moncrief) Relating to the management of persons with communicable diseases. (31-0) (31-0)

HB 950 (Duncan) Relating to the inactive status of the Texas Soybean Producers Board. (31-0) (31-0)

HB 956 (Carona) Relating to the definition of medical waste. (31-0) (31-0)

HB 963 (Haywood) Relating to the attachment and amount of certain agricultural liens. (31-0) (31-0)

Senator Haywood offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 963** as follows:

On page 1, line 11 of the bill, insert "labor, or both," between the words "chemicals" and "are".

The committee amendment was read and was adopted by a viva voce vote.

HB 971 (Shapiro) Relating to the jurisdiction of county criminal courts in Dallas County. (31-0) (31-0)

HB 975 (Whitmire) Relating to preventing and prosecuting the criminal offense of escape. (31-0) (31-0)

HB 1126 (Moncrief on behalf of Harris) Relating to the sale or distribution of the property of minors and certain wards. (31-0) (31-0)

HB 1137 (Brown) Relating to the discharge of a lien on a motor vehicle and the subsequent sale of or issuance of temporary tags for the vehicle. (31-0) (31-0)

HB 1154 (Nixon) Relating to the purchase by the Texas Water Development Board of certain bonds or other obligations issued by a political subdivision. (31-0) (31-0)

HB 1178 (Haywood) Relating to the applicability of production limitations to certain marginal gas wells. (31-0) (31-0)

HB 1228 (Brown) Relating to consolidated permit processing by the Texas Natural Resource Conservation Commission. (31-0) (31-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1228** by adding an appropriately numbered SECTION to read as follows and by renumbering existing sections accordingly:

SECTION ____ Chapter 27. Water Code, is amended to read as follows:

Section 27.051.(g)(2)(B) consistent with the need and desire to manage within the state hazardous wastes generated in the state, there is a substantial or obvious public need which for purposes of this chapter

shall include Commission consideration of regional need and economic impacts, for additional hazardous waste disposal capacity and the hazardous waste injection well will contribute additional capacity toward servicing that need;

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 1228** by adding an appropriately numbered SECTION to read as follows and by renumbering existing sections accordingly:

SECTION ____ Chapter 361 of the Health and Safety Code is amended to read as follows:

Section 361.114.(b)(2) consistent with the need and desire to manage within the state hazardous wastes generated in the state, there is a substantial or obvious public need, which for purposes of this Chapter shall include Commission consideration of regional need and economic impacts, for additional hazardous waste disposal capacity and the hazardous waste injection well will contribute additional capacity toward servicing that need;

The committee amendment was read and was adopted by a viva voce vote.

HB 1298 (Brown) Relating to the delegation of duties of the Texas Natural Resource Conservation Commission and its executive director. (31-0) (31-0)

HB 1299 (West) Relating to the designation of Spur 408 in Dallas County as Patriot Parkway. (31-0) (31-0)

HB 1387 (Armbrister) Relating to the continuation and functions of the Automobile Theft Prevention Authority. (31-0) (31-0)

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1387** in SECTION 4 of the bill, amended Section 5, Article 4413(37), Revised Statutes, by striking proposed Subsections (c) and (d) (page 4, line 16, through page 5, line 14, engrossed version) and substituting the following:

(c) To be eligible to take office as a member of the authority, a person appointed to the authority must complete at least one course of a training program that complies with Subsection (d).

(d) The training program required by Subsection (c) must provide information to the person regarding:

(1) the enabling legislation that created the authority and its policymaking body to which the member is appointed to serve;

- (2) the programs operated by the authority;
 - (3) the role and functions of the authority;
 - (4) the rules of the authority and the department;
 - (5) the current budget for the authority;
 - (6) the results of the most recent formal audit of the authority;
 - (7) the requirements of the:
 - (A) open meetings law, Chapter 551, Government Code;
 - (B) open records law, Chapter 552, Government Code; and
 - (C) administrative procedure law, Chapter 2001,
- Government Code;
- (8) the requirements of the conflict-of-interest laws and other laws relating to public officials; and
- (9) any applicable ethics policies adopted by the department or the Texas Ethics Commission.
- (e) A person appointed to the authority is entitled to reimbursement for travel expenses incurred in attending the training program required by Subsection (c) as provided by the General Appropriations Act and as if the person were a member of the authority.

The committee amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 1387** as follows:

Strike SECTION 7 of the bill and renumber the subsequent SECTIONS appropriately (House Engrossment page 6, line 26 through page 7, line 4).

The committee amendment was read and was adopted by a viva voce vote.

HB 1406 (Brown) Relating to collection by water and sewer utilities of voluntary contributions on behalf of certain emergency services. (31-0) (31-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1406** as follows:

SECTION 1: insert the following underlined language into section (e).

(e) . . . rates and are not subject to regulatory assessments, late payment penalties, or other utility-related fees and are not . . .

The committee amendment was read and was adopted by a viva voce vote.

HB 1511 (Zaffirini) Relating to the administration and allocation of Medicaid and other funds used to pay for graduate medical education. (31-0) (31-0)

HB 1531 (Ellis) Relating to the issuance of bonds under the Higher Education Authority Act. (31-0) (31-0)

HB 1555 (Shapiro) Relating to inspection of certain child-care facilities. (31-0) (31-0)

HB 1724 (Madla) Relating to the administration and enforcement of the peer assistance program under the Texas Pharmacy Act. (31-0) (31-0)

HB 1798 (Lucio) Relating to recommendations for hospitals relating to missing infants. (31-0) (31-0)

HB 1878 (Bivins) Relating to the Castro County and Ochiltree County hospital districts. (31-0) (31-0)

HB 2003 (Moncrief on behalf of Harris) Relating to emergency intervention proceedings concerning a decedent's estate. (31-0) (31-0)

HB 2074 (Brown) Relating to the continuation and functions of the Texas Youth Commission. (31-0) (31-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2074** as follows:

In SECTION 3 of the bill, strike added Section 61.0122, Human Resources Code (House engrossment, page 3, lines 9-27, and page 4, lines 1-7), and substitute the following:

Sec. 61.0122. BOARD MEMBER TRAINING. (a) To be eligible to take office as a member of the board, a person appointed to the board must complete at least one course of a training program that complies with this section.

(b) The training program must provide information to the person regarding:

- (1) the enabling legislation that created the commission;
- (2) the programs operated by the commission;
- (3) the role and functions of the commission;
- (4) the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the commission;

(6) the results of the most recent formal audit of the commission;

(7) the requirements of the:

(A) open meetings law, Chapter 551, Government Code;

(B) open records law, Chapter 552, Government Code; and

(C) administrative procedure law, Chapter 2001, Government Code;

(8) the requirements of the conflict of interests laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by

the General Appropriations Act and as if the person were a member of the board.

The committee amendment was read and was adopted by a viva voce vote.

HB 2075 (Whitmire) Relating to the authority of the Texas Youth Commission to access criminal history record information relating to certain persons and business entities. (31-0) (31-0)

HB 2116 (Brown) Relating to the ad valorem taxation of certain inventories. (31-0) (31-0)

HB 2123 (Moncrief) Relating to the prevention and detection of fraud in certain programs administered by the Texas Department of Human Services. (31-0) (31-0)

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2123** as follows:

On page 4, SECTION 4, lines 1-3, delete new subsection (c).

The committee amendment was read and was adopted by a viva voce vote.

HB 2138 (Cain) Relating to the standards for certain equipment on vehicles. (31-0) (31-0)

HB 2170 (Armbrister) Relating to late fees for a person licensed to process radioactive materials. (31-0) (31-0)

CSHB 2201 (Ratliff) Relating to the payment of property taxes pending appeal and to attorney's fees and penalties in a property tax appeal. (31-0) (31-0)

HB 2259 (Patterson) Relating to the establishment and administration of a retirement fund for police officers in certain municipalities. (31-0) (31-0)

HB 2286 (Madla) Relating to the selection of public members and the functions of a county salary grievance committee. (31-0) (31-0)

CSHB 2348 (Armbrister) Relating to the operation of the Jackson County Hospital District. (31-0) (31-0)

HB 2492 (Madla) Relating to the duties of the chief personnel officer of certain counties. (31-0) (31-0)

HB 2528 (Lucio) Relating to the validation of acts and proceedings of South Texas Community College. (31-0) (31-0)

HB 2569 (Ratliff) Relating to the filing of a certain instrument and registration of a trademark or service mark with the secretary of state; providing a criminal penalty. (31-0) (31-0)

CSHB 2601 (Carona) Relating to regulating personal care facilities; providing for a civil penalty. (31-0) (31-0)

HB 2602 (Haywood) Relating to the enforcement of certain liens. (31-0) (31-0)

HB 2721 (Bivins) Relating to the TexShare library consortium. (31-0) (31-0)

HB 2769 (Cain) Relating to the county depository and depositories for certain trust funds. (31-0) (31-0)

HB 3231 (Brown) Relating to the consolidation and use of certain accounts and funds of the Texas Natural Resource Conservation Commission. (31-0) (31-0)

HB 3334 (Duncan) Relating to securities eligible to secure a deposit of public funds. (31-0) (31-0)

CSHB 3456 (Bivins) Relating to the Hansford County Hospital District. (31-0) (31-0)

CSHB 3457 (Bivins) Relating to the Hutchinson County Hospital District. (31-0) (31-0)

CSSB 33 (Cain) Relating to procedures to issue rental car companies limited licenses as insurance agents. (31-0) (31-0)

CSSB 984 (Gallegos) Relating to the preservation, operation, and maintenance of historical resources and the powers and duties of the Texas Historical Commission. (31-0) (31-0)

CSSB 1221 (Luna) Relating to restricting written reports required from public school employees. (31-0) (31-0)

CSSB 1653 (Nelson) Relating to campus or campus program charters. (31-0) (31-0)

CSSCR 77 (Armbrister) Recommending that the purchase of the Allens Creek Reservoir site be ranked as a high priority by the Texas Water Development Board. (viva voce vote)

**BILL REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Zaffirini and Senator Harris requested in writing that **HB 1630** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:30 a.m. adjourned, in memory of the life of Gladys Youngblood Ross, until 9:30 a.m. today.